

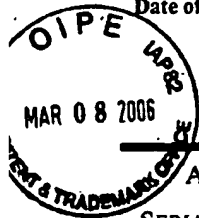


**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: 05/25/06		2 Serial/Patent # <u>1076729</u> <span style="float: right;">10767</span>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
<input type="checkbox"/>	Filing			\$							
<input type="checkbox"/>	Amendment			\$							
<input type="checkbox"/>	Extension of Time			\$							
<input type="checkbox"/>	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition 1462		03/08/06	\$ 400.00							
<input type="checkbox"/>	Issue			\$							
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$							
<input type="checkbox"/>	Maintenance			\$							
<input type="checkbox"/>	Assignment			\$							
<input type="checkbox"/>	Other			\$							
		7 TOTAL AMOUNT OF REFUND		\$ 400.00							
10 REASON:		8 TO BE REFUNDED BY:									
<input type="checkbox"/>	Overpayment	Treasury Check									
<input type="checkbox"/>	Duplicate Payment	<input checked="" type="checkbox"/>	Credit Deposit A/C #:								
<input checked="" type="checkbox"/>	No Fee Due (Explanation):	9 <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td>5</td><td>0</td><td>--</td><td>0</td><td>3</td><td>1</td><td>1</td> </tr> </table>			5	0	--	0	3	1	1
5	0	--	0	3	1	1					
Petition due to PTO error											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: Douglas Wood		TITLE: Sr Petitions Atty									
SIGNATURE: 		PHONE: 571 272 3231									
OFFICE: Office of Petitions											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: 		DATE: 5/30/06									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS :	John H. Leamon, <i>et al.</i>	CONFIRMATION NUMBER :	5560
SERIAL NUMBER :	10/767,779	EXAMINER :	Not Yet Assigned
FILING DATE :	January 28, 2004	ART UNIT :	1632
FOR :	METHODS OF AMPLIFYING AND SEQUENCING NUCLEIC ACIDS		

## MAIL STOP PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

## PETITION TO CHANGE FILING DATE

Dear Sir:

1. Applicants request that the filing date of September 22, 2004 set forth on the Filing Receipt mailed by the U.S. Patent and Trademark Office on October 18, 2004, be corrected to January 28, 2004. A copy of the Filing Receipt (Exhibit A) is enclosed. The statements below are made as to the exact facts that are relied upon to establish that the Application was filed on January 28, 2004.
2. On June 6, 2003, Applicants filed Provisional Application Serial No. 60/476,592 which contains, among other things, Figures 11C and 11D.
3. On January 28, 2004, Applicants filed U.S. Patent Application Serial No. 10/767,779 which also contains Figures 11C and 11D. The USPTO acknowledged receipt of this Application with all figures (41 pages comprising figures 1-42). Patent Application Serial No. 10/767,779 also incorporated by reference Provisional Application Serial No. 60/476,592 on page 1, line 11.
4. On June 22, 2004, the USPTO issued a Notice to File Missing Parts, alleging that the filed application was missing Figures 11C and 11D.
5. On September 22, 2004, Applicants submitted a preliminary amendment which replaced the original Drawings with Formal Drawings. The Formal Drawings included Figures

Adjustment date: 05/30/2006 CKHLOK  
 03/14/2006 TBESHAM1 00000025 10767779  
 01 FC:1462 -400.00 OP

Repln. Ref: 05/30/2006 CKHLOK 0011532800  
 DAH:500311 Name/Number:10767779  
 FC: 9204 \$400.00 CR

03/14/2006 TBESHAM1 00000025 10767779

400.00 OP

01 FC:1462

11. Accordingly, Applicants respectfully submit that the Updated Filing Receipt mailed October 18, 2004 is in error, and request that the filing date be corrected to January 28, 2004.
12. Pursuant to 37 C.F.R. §1.17(f), a check for \$400.00 covering the petition fee is enclosed. Should any additional fee be due, the Commissioner is hereby authorized to charge such fee, or credit any overpayment, to Deposit Account Number: 50-0311, Customer Number: 35437, Reference Number: 21465-510 UTIL. Because the Updated Filing Receipt mailed October 18, 2004 is in error, Applicants hereby respectfully request a refund of the petition fee. A duplicate copy of this petition is enclosed.
13. Should the Commissioner have any questions concerning this petition, he is invited to telephone the undersigned at the number provided.

Respectfully submitted,



Dated: March 8, 2006

---

Ivor R. Elrifi, Reg. No. 39,529  
Michelle A. Klein, Reg. No. 55,296  
Attorneys/Agents for Applicants  
c/o MINTZ, LEVIN, *et al.*  
666 Third Avenue-24<sup>th</sup> Floor  
New York, New York 10017  
Telephone: (212) 983-3000  
Telefax: (212) 983-3115  
Tel: (212) 692-6296  
Fax: (212) 983-3115